

## MINUTES OF THE MEETING OF THE CITY OF SEAFORD MAYOR AND COUNCIL

June 24, 2014

7:00 p.m.

Mayor David C. Genshaw called the Regular Meeting to order with the following present: Councilman Dan H. Henderson, Councilwoman Leanne Phillips-Lowe, Councilwoman Grace S. Peterson, Councilman H. William Mulvaney III, and Councilman Orlando A. Holland. Dolores J. Slatcher, City Manager, Charles D. Anderson, Assistant City Manager, June Merritt, Director of Finance, Natalie Wilson, Superintendent of Parks and Recreation and Joshua E. Littleton, Building Official, were also present.

Councilwoman Peterson offered the opening prayer. Mayor Genshaw led those present in the Pledge of Allegiance.

Mayor Genshaw solicited changes to the agenda dated June 24, 2014. There were no changes, the agenda stands.

There was no correspondence.

Mayor Genshaw solicited a motion to approve the Minutes of the June 10, 2014 Regular Council meeting. Councilwoman Peterson made the motion to approve the Minutes of the Regular Council Meeting on June 10, 2014. Motion was seconded by Councilman Mulvaney and so passed with all present voting in favor.

Mayor Genshaw presented **Old Business #1**, the second reading of the ordinance to amend **Chapter 6**. City Manager Slatcher explained this is the second reading of the "Electric Chapter" related to solar that will specifically change the language in §6.22.4 Net Metering & §6.22.5 Aggregate Net Metering, for lease and operate or contract with a third party that owns and operates an electric generator facility. There being no questions from the Council, Mayor Genshaw called for a motion. Councilman Henderson stated he would not participate in the debate and/or vote due to a conflict of interest.

Councilwoman Peterson motioned to approve the ordinance to amend Chapter 6 of the Municipal Code of Seaford, Delaware relating to "Electricity" as presented. Councilman Holland seconded the motion.

### Roll Call Vote:

Councilman Henderson stated I abstain.

Councilwoman Phillips-Lowe voted yes based on the Findings of Facts.

Councilwoman Peterson voted yes based on the Facts.

Councilman Mulvaney voted yes based on the Findings of Facts.

Councilman Holland voted yes.

Mayor Genshaw stated the motion so carried with four voting in favor and one abstaining.

Mayor Genshaw closed the Regular Meeting and opened the Public Hearing at 7:05 p.m.

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Mr. Littleton presented **Case No. R-05-14. Better Homes of Seaford, Inc.** is requesting a rezoning of 15 Chandler St. Mr. Littleton introduced Mr. William Roupp, Executive Director of Better Homes of Seaford, Inc.

Mr. Littleton explained Better Homes is requesting a change of zoning for 15 Chandler Street, Tax Map and Parcel 331 5.20 3.00. The property is adjacent to Chandler Heights II which is zoned R-3 High Density Residential. The property which is currently zoned R-2 Medium Density Residential has a single family home. The request is to rezone the property to R-3 High Density Residential to match the adjacent zoning for the purpose of a subdivision request which will combine this land with the adjacent Chandler Heights II property. Better Homes of Seaford obtained a demolition permit for the single family dwelling. The demolition is currently underway.

Mr. Littleton then presented **Case No. S-06-14. Better Homes of Seaford, Inc.** request to combine three parcels. Chandler Heights II is identified as Tax Map and Parcel 331-5.20-2.00 & 331- 5.20-5.00; and, 15 Chandler St. is identified as Tax Map and Parcel 331-5.20-3.00. If the rezoning is approved, the request is to expunge all the lot lines between these parcels, creating one lot.

Mr. Littleton noted any future expansion of the complex to increase the units will return to City Council for site plan reviews.

Councilman Mulvaney inquired about the R-2 parcel right in the middle. Is it owned by Better Homes? Mr. Littleton explained the property owner is deceased. Mr. Roupp has been in contact with the attorney and right now, the property is in probate. Pending settlement of the estate, BHS will try to purchase it with the hopes to combine it with the other parcels. Right now, it is on hold until the estate settles.

Mayor Genshaw asked if Council had any other questions. He then called for questions from the public. No questions from the public were brought forth.

Mayor Genshaw closed the Public Hearing at 7:07 p.m. and reopened the Regular Meeting.

Mr. Littleton presented the Findings of Facts for **Case No. R-05-14:**

- Case No. R-05-14 Rezoning of the property located at 15 Chandler St.;
- Identified as Tax Map and Parcel 3-31-5.20-3.00;
- Current zoning is R-2;
- The proposed zoning is R-3 High Density Residential;
- A demolition permit has been issued for the existing Single Family Home.
- Planning and Zoning sent a favorable recommendation to Council

Mayor Genshaw called for a motion on the rezoning. Councilwoman Phillips-Lowe motioned to approve the rezoning of Tax Map and Parcel 331-5.20-3.00, owned by Better Homes of Seaford, Inc., 15 Chandler Street from R-2 Medium Density Residential to R-3 High Density Residential so they may combine this parcel with their adjoining parcel for Chandler Heights II. Councilman Mulvaney seconded the motion.

Mayor Genshaw asked for questions on the motion. There being none he called for a Roll Call Vote.

Roll Call Vote:

Councilman Henderson voted aye.

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Councilwoman Phillips-Lowe voted yes based on the Findings of Facts.  
 Councilwoman Peterson voted yes based on the Findings of Facts.  
 Councilman Mulvaney voted yes based on the Findings of Facts.  
 Councilman Holland voted yes.

Mayor Genshaw stated the motion so carried with all voting in favor.

Mr. Littleton presented the Findings of Facts for **Case No. S-06-14:**

- Case No. S-06-14 – Subdivision for combining three parcels located on Chandler St.;
- Identified as Tax Map and Parcel 3-31-5.20-2.00; 3.00 & 5.00;
- The proposed combination of parcels will increase the land area of Chandler Heights II from 1.797 ±acres to 1.982 ±acres.
- Planning and Zoning sent a favorable recommendation to Council

Mayor Genshaw called for a motion. Councilman Mulvaney motioned to permit Better Homes of Seaford, Inc. to combine parcels referred to as Tax Map and Parcels 331-5.20-2.00, 331-5.20-3.00 & 331-5.20-5.00 as one parcel for the Chandler Height II for the sole purpose to combine into one parcel.

Mayor Genshaw asked if there were any questions on the motion. There being none, Mayor Genshaw called for a Roll Call Vote.

Roll Call Vote:

Councilman Henderson voted aye.  
 Councilwoman Phillips-Lowe voted yes based on the Findings of Facts.  
 Councilwoman Peterson voted yes based on the Findings of Facts.  
 Councilman Mulvaney voted yes based on the Findings of Facts.  
 Councilman Holland voted yes.

Mayor Genshaw stated the motion so passed with all voting in favor.

Mayor Genshaw asked that New Business #1 be presented. City Manager Slatcher presented **New Business #1, "Setting of real estate property tax rate, water and sewer rates, and street service charge."** She provided the following rate information for FY 2015 Budget.

	FY'14	FY'15	Increase
Property Taxes	\$ 0.31/\$100	\$ 0.31/\$100	\$ 0.00

Per \$100 of assessed property values, based on January 1, 2008 market values.

Water Rates

Flat & less than 2 mg	\$ 20.39	\$ 21.95	\$ 1.56
2 mg < 4 mg	\$ 10.19	\$ 10.97	\$ 0.78
>4 mg	\$ 8.47	\$ 9.12	\$ 0.65

Sewer rates

Charges per EDU	\$ 42.18	\$ 44.30	\$ 2.12
Street Service Charge	\$ 3.00	\$ 5.50	\$ 2.50

City Manager Slatcher noted the total increase will be \$6.18 per month or \$74.60 annually to the customer.

Mayor Genshaw called for a motion on the rates, as presented. Councilwoman Peterson motioned to A) set the real estate property tax rate at \$0.31 per \$100 of the 2008 market value as determined by the last assessment; B) set the water and sewer rates as presented; and C) to set the Street Charge Rate as \$5.50. Councilman Henderson seconded the motion for A, B, & C. All present voted in favor of the FY'15 real estate property tax rate, water and sewer rates and the street service charge and the motion so passed.

Mayor Genshaw asked for the presentation on the FY'15 Budget. Mrs. June Merritt, Director of Finance gave an overview of the FY 2015 Budget. The Revenue and Expenditure Analysis in the overall budget shows an increase of 4.13% from the prior year. Revenues and expenditures total \$25,932,454.00.

Mrs. Merritt then presented the Source of Revenue by Category. The total revenue is \$25,932,454.00 with the largest categories as Charges for Services - 73.59%, Charges for services include street service, water, sewer and electric fees; and, Taxes - 13.64%.

Mrs. Merritt then discussed the Expenditures by Department equal a total of \$25,932,454.00. Mrs. Merritt highlighted the largest - Electric Distribution - 53.10%; Police Department - 12.34%; Administrative - 7.95%; and Waste Water Treatment - 6.12%.

Moving on to the Expenditures by Category, Mrs. Merritt explained that Purchase Power - 38.57%; Salaries -18.7, Supplies and other - 15.85% were the largest expenses.

Mayor Genshaw asked for questions from the Council. There were none. He then called for a motion. Councilman Henderson motioned to approve the FY'15 Budget, as presented. Councilwoman Peterson seconded the motion. The motion so passed with all present voting in favor.

Mayor Genshaw asked for the presentation of New Business #4. City Manager Slatcher stated that since Natalie Wilson, Superintendent of Parks and Recreation, is new, the City Manager will do the explanation for the new Parks Rental Proposal, Facility Rental Information Form and Facility Usage Rules and Regulations with fees to be effective January 2, 2015. City Manager Slatcher explained that Mrs. Wilson and Assistant City Manager Charles Anderson worked on formalizing the documents, guidelines, use and expectations. The reason for the forms is to formalize and document the rental of our parks, having written established rules and regulations on the use of our parks, a formal facility rental information form so all persons requesting use of our parks have consistent information. It is also intended to guide the renters in the use and expectations of responsible actions within the parks during the reserved time. If the fees are approved, they will become effective **January 2, 2015**.

## PARK RENTAL PROPOSAL

### SOROPTIMIST PARK

- \$30 to rent the front pavilion at Soroptimist Park; the pavilion is limited to 75 or fewer attendees.
- \$20 to rent the back pavilion (smaller, no electric). The pavilion will be limited to 50 or fewer attendees.

The fees are necessary for several reasons. We currently have individuals who are renting the facilities multiple times a month and who are requesting both pavilions. This limits how many people get to use the park

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facilities. We are also currently providing restroom facilities, trash disposal, and cleanup. The fees would go towards covering those costs without being prohibitive to the average renter.

New Rules:

- Renters would not be allowed access to the water spigot.
  - Requires a Public Works employee to come out on a Saturday/Sunday at overtime pay to turn it on.
  - It requires a longer length of hose to bring water to the pavilions, which the City would not be able to provide.
- Moon bounce, food truck, etc. will require special approval from the Parks Superintendent in coordination with the other City Departments with jurisdiction over services for health and safety issues.

NUTTER PARK

- All events require a special events permit issued at City Hall for the following reasons:
  - Limited restroom facilities;
  - Limited space/seating;
  - Most events requests are larger fund raisers/tournaments and should be monitored. Have an after event review to consider any concerns and suggestions for improvement with staff and renter when appropriate.
  - There is no public parking to accommodate a large number of attendees. Parking is only available on street in the adjacent residential district.

JAY'S NEST PLAYGROUND/SPORTS COMPLEX

- Playground not be rentable. The playground is for children and is open to the public.
- Sports fields may be rented for \$75 per field per day.
  - If lights are used, a fee of \$25 per field per hour will be in effect. This is based on Rick Garner, Electrical Engineer's calculations of the cost to run the lights.

RULES AND REGULATIONS

All who would like to rent any park facility will be required to read, initial and sign a list of park rules and regulations.

The City will reserve the right to end any event if there is a question of public safety, and no refunds shall be given.

CANCELLATION POLICY

No refunds shall be given if cancellation is made within 14 days of rental date. This encourages people not to wait until the last minute to cancel so that others who may want to rent the facilities will have a chance to do so.

Councilwoman Phillips-Lowe asked if any rules/regulations are currently in place. City Manager Slatcher stated some are but they are not consistently administered. The fees are new. We are just trying to cover the added costs that are required to support these activities within these parks. Councilman Mulvaney asked about a curfew. City Manager Slatcher said mostly dusk. She also mentioned the 9:00 p.m. restriction in the Noise Ordinance that prevails as far as hours go.

Mayor Genshaw asked if anyone else had questions. There being none, he called for a motion. Councilwoman Phillips-Lowe motioned to approve the Park Rental Proposal, City of Seaford Rental Information Form, and City of Seaford Facility Usage Rules and Regulations as presented with the condition the fees will not be implemented until January 2, 2015 to allow an interim period for the

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distribution of the new fees to the public. Councilman Holland seconded the motion. All present voted in favor of the motion, and it so passed as presented.

Mayor Genshaw returned to New Business #3 the Schedule of Fees and Rates for Approval. City Manager Slatcher said with the adoption of the real estate taxes, water & sewer rates and street service charge the Schedule of Fees and Rates has been updated. City Manager Slatcher pointed out in the Council's Fee Sheet the areas changed have been highlighted. The Schedule needs to be adopted for publication and so that it can be handed out. The fees become effective July 1, 2014. Mayor Genshaw asked if Council had any question of the Fee and Rate Schedule. Since no one had any questions, Mayor Genshaw asked for a motion. Councilwoman Peterson motioned to approve the FY15 Schedule of Fees and Rates, as presented. Councilman Mulvaney seconded the motion. The motion so passed with all present voting in favor.

**REMINDER OF MEETINGS AND SETTING NEW MEETINGS:**

- 1) Delaware League of Local Governments meeting June 26<sup>th</sup> at 5:30 p.m. at the Duncan Center in Dover. City Manager Slatcher and Assistant City Manager Anderson, Councilman Henderson, Councilwoman Peterson and Councilman Mulvaney are attending.
- 2) The City Offices will be closed on Friday, July 4<sup>th</sup> for the holiday.
- 3) Riverfest is July 11<sup>th</sup> & 12<sup>th</sup> in Downtown Seaford.

**COMMITTEE REPORTS:**

**POLICE:**

Councilwoman Phillips-Lowe reported the Police Department has completed the Officer's work schedule for Riverfest. At the July 8<sup>th</sup> Council meeting two new officers will be sworn in; they will graduate from the DSP Academy on July 11, 2014. Corporal Toby Laurien and PFC Frank Bradley will be attending a three day class to train as field training officers.

She has no updated report from the Fire Service.

**ADMINISTRATIVE:**

Councilman Mulvaney reported the Finance Director has finished the FY15 Budget. The training of the staff that moved into new positions and the training of the new hires continues; she is also working on preparing reimbursements. Councilman Mulvaney reported the Assistant City Manager is doing site coordination for the demolition of the bathhouse; he completed his review of the Electric chapter; the preparation are underway for the antenna attachment at the tower for the surveillance camera; he attended the George Sherman Co. ribbon cutting; he is working with Power House Gym on an easement for electric; he is coordinating with the owners of Governor's Grant on their Phase III infrastructure; he worked on the Parks Policy and he and Bill Bennett, Superintendent of Electric worked with Gardner/Gibson on electrical issues for the forthcoming new installation of services.

**PARKS AND RECREATION:**

Mayor Genshaw reported Recreation hosted a softball clinic on 6/22/14 and a pickle ball clinic on 6/21/14. The Jay's Nest has a new slide; repairs were also being made to the playground. Parks is pruning and removing dead trees downtown as part of the preparation for Riverfest. Friday, June 27<sup>th</sup> the Lego Movie is showing at Ross Mansion. Food will be available as Mrs. Wilson is coordinating with food vendors.

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OPERATIONS:

Councilman Henderson reported on IT. Mrs. Newcomer is coordinating the work on the security camera installation. It is about 90% complete with the target date for completion of 6/30/14. She is also working on various tasks including the relocation of the offices due to promotions. Mrs. Newcomer, ED is working on Riverfest.

Public Works has commenced the painting of the curbs; street sweeping is ongoing; leaf and limb pickup continues. The paving contractor is working on the City Hall parking lot, along with parts of Cedar Ave and Delaware Ave. The contract is about 90% complete and the work should be finished by 6/30/14. The bathhouse contract is 90% complete, with leveling, grading and seeding remaining. Teal Construction is finishing up the work on the sanitary sewer main. Patching is scheduled for 7/2/14. The signs are on order for the truck route and the utilities have been marked.

Waste Water, except for seasonal adjustments, the performance is good. The leachate treatment is going well.

CODE:

Councilman Henderson reported Code sent out twenty letters ranging from friendly letters to violation notices. Ten building permits were issued.

ELECTRIC:

Councilwoman Peterson reported Rick Garner, Electrical Engineer, is doing engineering drawing and coordinating the following projects: Stein Highway Electrical Distribution; Community Solar Project; Fiber Optic and security camera installation. Mr. Garner is also preparing electric impact fees for the Code Department. He is attending the Municipal Smart Grid Summit in Arizona this week.

Councilwoman Peterson reported Bill Bennett, Electric Superintendent, has finished installation of the sectionalizer cabinet in the Seaford Industrial Park, work on Governor's Grant Phase II loop, performed the monthly substations checks and reports. There are a few outages noted: Chandler Street was out for about one hour due to an equipment failure in Circuit 150; Circuit 140 on Sussex Ave had an arrestor problem; Circuit 140 at Southern State Mills had an Osprey problem; a renewed surface was created for the Osprey's nest.

Mayor Genshaw thanked the Council, Management and staff for all their hard work on the Budget. Multiple meetings and a lot of work went into the process.

There being no further business, Mayor Genshaw called for a motion to adjourn. Councilwoman Peterson so moved; Councilman Mulvaney seconded the motion and motion so passed with all present voting in favor.

Mayor Genshaw adjourned the meeting at 7:40 p.m.

By: \_\_\_\_\_  
Dolores J. Slatcher, City Manager

/wp